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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,107	02/05/2004	Chris Rhodes	60130-2016; 02MRA0393	3984

26096 7590 03/17/2005

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,107

Applicant(s)

RHODES ET AL.

Examiner

Greg Blankenship

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on application as filed.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment 1 and 2
GPO 3/19/2005

DETAILED ACTION***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: “17”. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “second guide rail”, “second fastening point”, “lock”, and “handle” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and

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appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clearly understood since "the window regulator" lacks clear antecedent basis.

It is believed that "the window regulator" is supposed to be --the window regulator rail--.

However, this creates another problem since the claim would read, "the window regulator rail is fastened to the rail". The examiner believes that "fastened to the rail" should be --fastened to the door trim--. The claim has been examined based on these two assumptions.

Claim 8 is not clearly understood since it states, "the fastening point is in a region above and below the window regulator rail". The fastening points are on the rail so it is unclear how they can be above or below the rail. The examiner believes that the applicant meant to claim

that there is a fastening point in the upper region of the regulator rail as well as a fastening point in the lower region of the regulator rail.

Claim 11 is not clearly understood since “the fastening point”, in indent a, lacks clear antecedent basis. As the claim reads, it seems like it might be referring to a connection between the “outer skin” and the “shell”. However, it seems more likely that the applicant intended to refer to the connection between the rail and either the shell or the door trim based upon the written disclosure in the specification. Clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertolini et al. (6,029,403).

Bertolini et al. disclose a door module with parallel window regulator rails (18), window regulator (5), and a trim panel (19). The window regulator rails (18) can be separably fixed to the trim panel by clips, disclosed on lines 4-6 of column 6. The rails are fastened to the trim panel (19) at upper and lower regions of the rails (18). Specifically, the attachment locations are on folds (12). A line projects perpendicularly from upper fastening point

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intersects the plane defined by the trim panel at a point outside the trim panel, as shown the Attachment 1.

7. Claims 1, 3, 4, and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikawa et al. (6,449,907).

Nishikawa et al. disclose a door module with a window regulator rail (R2), a window regulator (R1), and a trim panel (P). The window regulator rail is separably fixed to the trim panel (P). The rail (R2) is fastened to the upper and lower regions of the trim panel (P). An electric window regulator control (40) is attached to the trim panel (P) and has wires that connect it to the window regulator (R1). A door handle (30) and a lock (33) are detachably mounted to the trim panel (P). A line projects perpendicularly from upper fastening point intersects the plane defined by the trim panel at a point outside the trim panel, as shown the Attachment 2.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertolini et al. (6,029,403) in view of Nishikawa et al. (6,449,907).

Bertolini et al. does not disclose an electrical window regulator control mounted to the trim panel.

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Nishikawa et al. teaches the mounting of an electrical window regulator control (40) to a trim panel (P) such that it can be connected to the window regulator (R1) by cables.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount an electrical window regulator control on the trim panel of Bertolini et al., as taught by Nishikawa et al., and connect it to the window regulator of Bertolini et al. to provide a passenger the ability to control the movement of the window.

Allowable Subject Matter

10. Claims 11-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for indicating allowable subject matter is the combination of steps of fastening the fastening point to the shell, separating the door trim from the window regulator, then fixing the door module to the shell, which is not found in the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is (703) 305-0223.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications intended for entry)

OF:

(703) 746-3511, (for informal or draft communications, please clearly label “FOR DISCUSSION PURPOSES ONLY”, “PROPOSED” or “DRAFT”)

gab

March 9, 2005

GREGORY BLANKENSHIP
PATENT EXAMINER

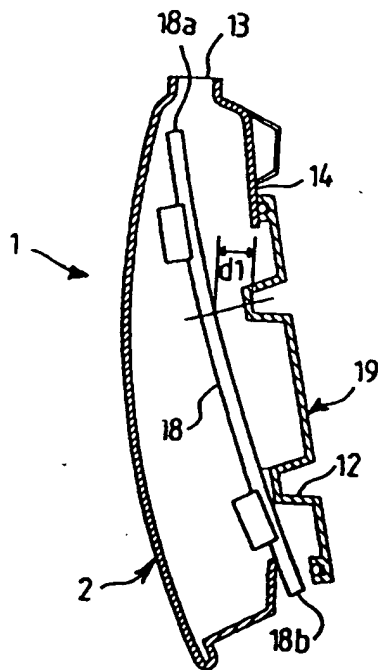


FIG. 3

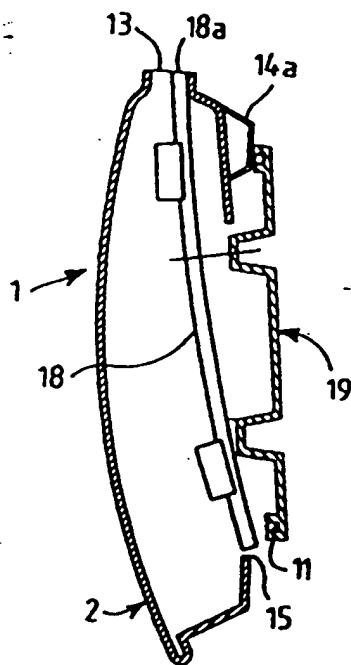


FIG. 4

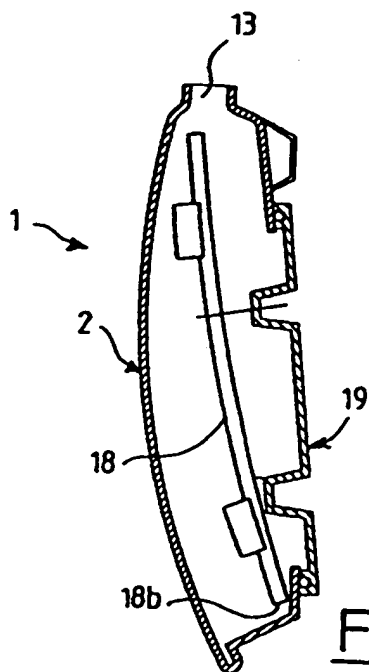


FIG. 5

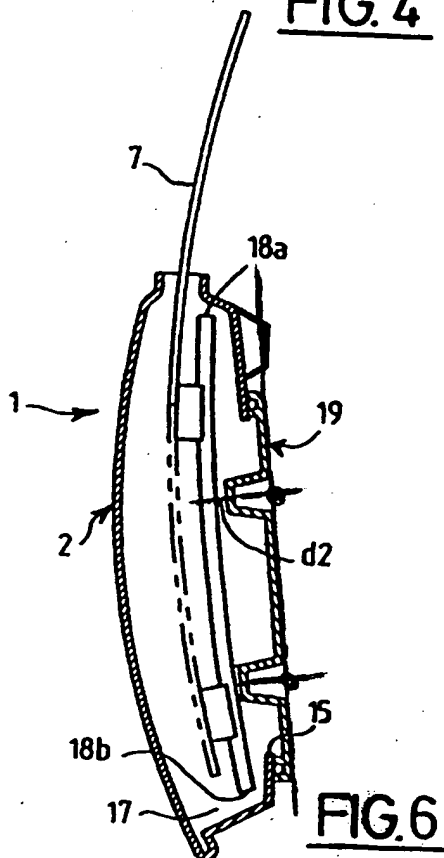
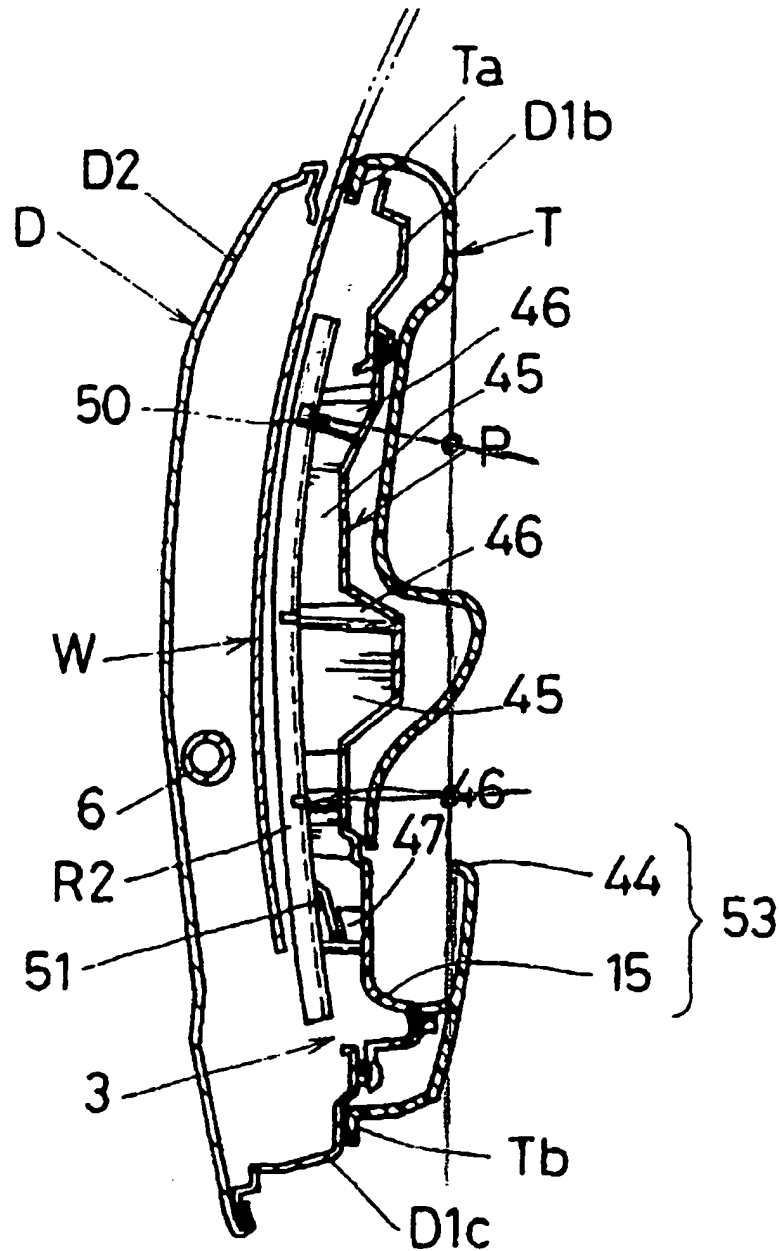


FIG. 6

Attachment 1

FIG. 4

*Attachment 2*